

Improvement Res. No. 1308-1971

For the Vacation of Utility easements over the E. 3' of Lot No. 1 & the W. 3' of Lot 2; the E. 3' of Lot No. 12 & the W. 3' of Lot No. 13; the southwesterly 3' of Lot No. 38 & the northeasterly 3' of Lot No. 39; the northeasterly 3' of Lot No. 53 & the southwesterly 3' of Lot No. 54; the northeasterly 3' of Lot No. 60 & the southwesterly 3' of Lot No. 61, all in Parkview Addition, Section "A".

Resolution Adopted:

August 16, 1971

Confirmed:

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

September 16, 1971.

DECLARATORY RESOLUTION NO. 1308-1971

For the Vacation of Utility easements over the east 3' of Lot No. 2; the east 3' of Lot No. 12 & the west 3' of Lot No. 13; the southwesterly 3' of Lot No. 38 & the northeasterly 3' of Lot No. 39; the northeasterly 3' of Lot No. 53 and the southwesterly 3' of Lot No. 54; the northeasterly 3' of Lot No. 60 and the southwesterly 3' of Lot No. 61, all in Parkview Addition, Section "A".

ADOPTED: August 16, 1971

ADVERTISE NOTICE TO PROPERTY OWNERS: WAIVED

NOTICES MAILED:

HEARING ON CONFIRMATION:

CONFIRMED: August 16, 1971

ASSESSMENT ROLL ORDERED: August 16, 1971

ASSESSMENT ROLL APPROVED: August 26, 1971

HEARING ON CONFIRMATION OF ASSM'T ROLL: Sept. 16, 1971 at
3:30 p.m.

NOTICE SERVED: Sept. 3, 1971

ASSESSMENT ROLL CONFIRMED: September 16, 1971.

~~For the Vacation Opening Condemnation of right of way for utility purposes~~ of utility easements over the east 3 feet of Lot No. 1 and the west 3 feet of Lot No. 2; the east 3 feet of Lot No. 12 and the west 3 feet of Lot No. 13; the southwesterly 3 feet of Lot No. 38 and the northeasterly 3 feet of Lot No. 39; the northeasterly 3 feet of Lot No. 53 and the southwesterly 3 feet of Lot No. 54; the northeasterly 3 feet of Lot No. 60 and the southwesterly 3 feet of Lot No. 61, all in Parkview Addition, Section "A".

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate utility easements over the east 3 feet of Lot No. 1 and the west 3 feet of Lot No. 2; the east 3 feet of Lot No. 12 and the west 3 feet of Lot No. 13; the southwesterly 3 feet of Lot No. 38 and the northeasterly 3 feet of Lot No. 39; the northeasterly 3 feet of Lot No. 53 and the southwesterly 3 feet of Lot No. 54; the northeasterly 3 feet of Lot No. 60 and the southwesterly 3 feet of Lot No. 61, all in Parkview Addition, Section "A".

All as shown by a plan of such proposed Vacation ~~Opening Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said ~~Vacation Opening Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation ~~Opening Condemnation of right of way for utility purposes~~ is described as follows: Lots 1, 2, 12, 13, 38, 39, 53, 54, 60 and 61, all in Parkview Addition, Section "A". Said addition is inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

~~The vacation of the above described _____ shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.~~

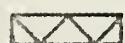
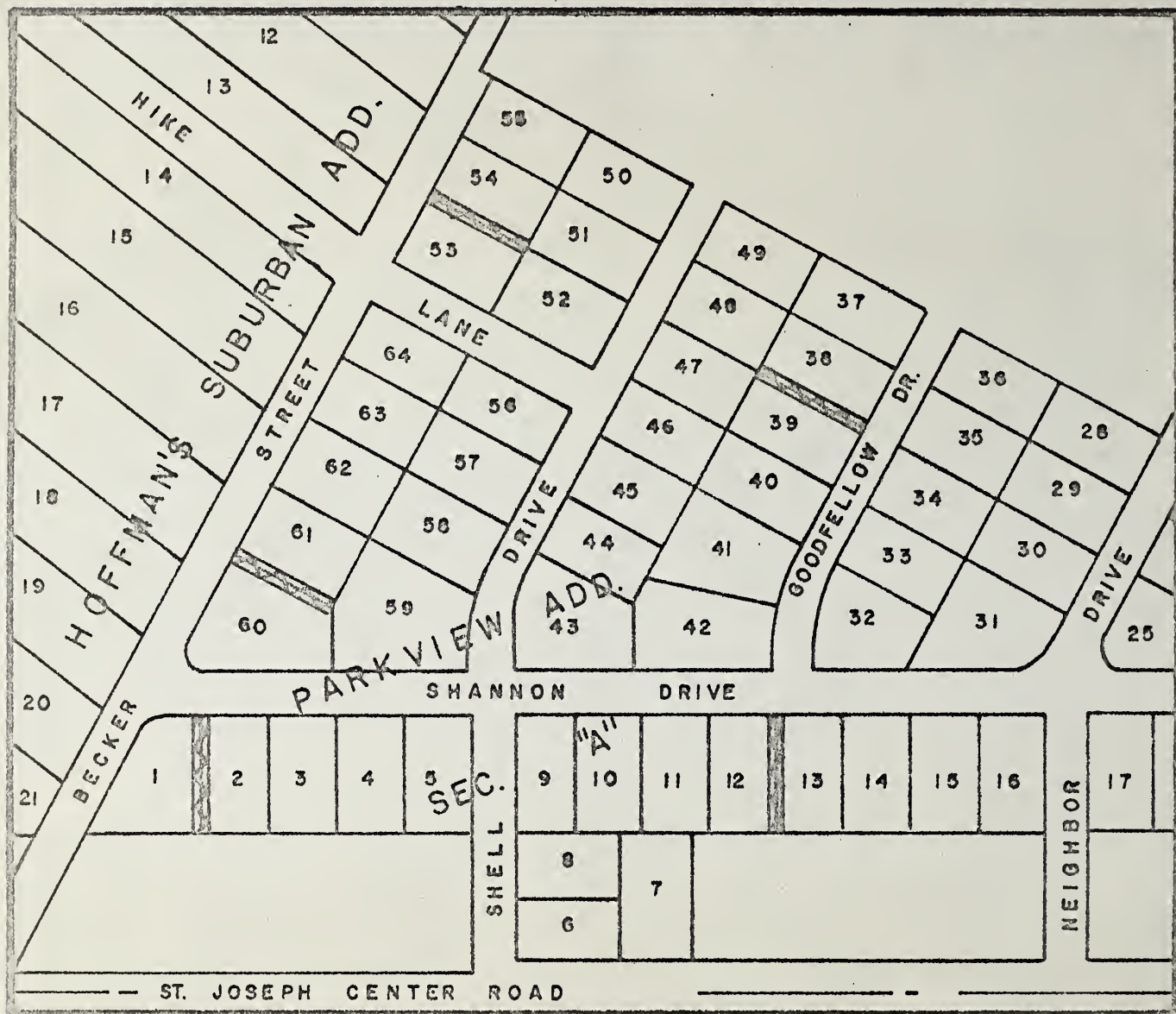
All Streets, lots and lands affected by the above described easement vacations are situated in the southwest quarter of Section Seventeen, Township 31 north, Range 13 east and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 16th DAY OF August 19 71

Attest:

Secretary Board of Public Works.

Edward J. Elkins
Board of Public Works.



UTILITY EASEMENTS TO
BE VACATED



OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

B.O. 112-'71

57-170-8
Date August 12, 1971

To City Engineer Attention Don Bodeker

Subject Vacation of Utility Easements in Parkview Addition, Section "A"

Attached is a petition to vacate utility easements in Parkview Addition, Section "A".

Prepare an opinion after conferring with all Governmental Agencies and Utilities.

Fred S. Ehrman
Robert W. Dahman
Edward V. Elkins
BOARD OF PUBLIC WORKS

ms

enc.

Signed _____

Reply:

August 13, 1971

1308

Declaratory Resolution, drawing and property ownership list are attached.

A public hearing will not be necessary for this resolution because the only property owner involved signed a waiver which is attached.

We are also attaching copies of replies from Utility Companies indicating they do not object to this vacation.

Donald E. Bodeker
Donald E. Bodeker
Office Manager

DEB:lc
attachs.

Signed _____

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

B.O. 112-'71

57-173-7
Date August 16, 1971

7
JL
8/26/71

To City Engineer

Subject Dec. Res. No. 1308-1971 Vacation of Utility Easements in Parkview Add, Sec. "A"

Received WAIVER of Notice of Public Hearing.

Prepare Assessment Roll of Benefits and Damages.

Fred S. Ehrman
Robert W. Dahman
Edward V. Elkins
BOARD OF PUBLIC WORKS

br
Encl. Res. & P.O.L.

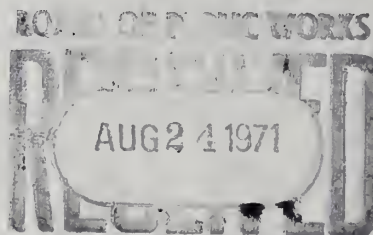
Signed _____

Reply:

August 23, 1971

The assesment roll indicating Benefits \$1.00 and Damages \$1.00 is completed and attached.

Donald E. Bodeker
Donald E. Bodeker,
Office Manager



DEB:id
attach.

Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

B.O. 112-'71

57-173-7

August 16, 1971

City Engineer

Dec. Res. No. 1308-1971 Vacation of Utility Easements in Parkview Add, Sec. "A"

Received WAIVER of Notice of Public Hearing.

Prepare Assessment Roll of Benefits and Damages.

Fred S. Ehrman

Robert W. Dahman

Edward V. Elkins

BOARD OF PUBLIC WORKS

br

Encl. Res. & P.O.L.

NOTED

UTILITY 112

PETITION TO VACATE ~~STREET LIGHT~~ EASEMENTSIN PARKVIEW ADDITION, SECTION "A"

F.S.E.



R.W.D.



EVE

Comes now Bohde Realty, Inc., an Indiana Corporation, by
its President and Secretary, being the owner of more than Sixty
(60%) percent of the Lots in Parkview Addition, Section "A", an
Addition to the City of Fort Wayne, according to the recorded Plat
thereof, recorded in Plat Record 29, pages 113-115, in the Office
of the Recorder of Allen County, Indiana, and hereby respectfully
petition the Fort Wayne City Plan Commission to vacate six (6) foot
street light easements over the following described real estate,
to-wit:

- (a) The East 3 feet of Lot 1 and the West 3 feet of Lot 2;
- (b) The East 3 feet of Lot 12 and the West 3 feet of Lot 13;
- (c) The Southwesterly 3 feet of Lot 38 and the Northeastly 3 feet of Lot 39;
- (d) The Northeastly 3 feet of Lot 53 and the Southwesterly 3 feet of Lot 54; and
- (e) The Northeastly 3 feet of Lot 60 and the Southwesterly 3 feet of Lot 61;

all being in Parkview Addition, Section "A", an Addition to the
City of Fort Wayne, according to the recorded Plat thereof, re-
corded in Plat Record 29, pages 113-115.

WHEREFORE, Petitioner prays that the Fort Wayne City Plan
Commission grant the petition and for any and all other proper
relief.

BOHDE REALTY, INC.

BY

Gerald Dehner
Gerald Dehner, PresidentWalter Vetter
Walter Vetter, Secretary

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State, on this 8th day of April, 1971, personally appeared Gerald Dehner and Walter C. Vetter, President and Secretary, respectively, of Bohde Realty, Inc., an Indiana Corporation, and acknowledged the execution of the above and foregoing Petition to Vacate Street Light Easements.

Bruce R. Snyder, Notary Public

My Commission Expires:

September 9, 1971

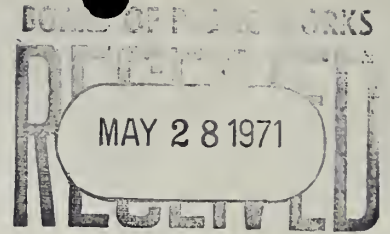
This instrument was prepared by Bruce R. Snyder, 1020 Anthony Wayne Bank Building, Fort Wayne, Indiana.

City of Fort Wayne



ENGINEERING DEPARTMENT

CITY-COUNTY BUILDING
ONE MAIN STREET
Room 710



FORT WAYNE, INDIANA 46802

NOTED

☒ F.S.E.
☒ R.W.D.
☐ G.F.G.

Date _____

May 27, 1971

Northern Indiana Public Service Company
Indiana & Michigan Electric Company
General Telephone Company of Indiana

We have received a petition to vacate utility easements across the following described real estate:

East 3 ft. Lot 1	Southwesterly 3 ft. Lot 38	Northeasterly 3 ft. Lot 60
West 3 ft. Lot 2	Northeasterly 3 ft. Lot 39	Southwesterly 3 ft. Lot 61
East 3 ft. Lot 12	Northeasterly 3 ft. Lot 53	
West 3 ft. Lot 13	Southwesterly 3 ft. Lot 54	

all in Parkview Addition, Section "A"

Please indicate on the enclosed post card whether or not you object to these easement vacations and return to us as soon as possible.

Very truly yours,

Donald E. Bodeker
Donald E. Bodeker
Office Manager

DEB:lc
attachs.

cc: Board of Public Works ✓

WAIVER

The undersigned owners of property which may be injuriously or beneficially affected by the proposed vacation of utility easements described as follows, to-wit:

- (a) The East 3 feet of Lot 1 and the West 3 feet of Lot 2;
- (b) The East 3 feet of Lot 12 and the West 3 feet of Lot 13;
- (c) The Southwesterly 3 feet of Lot 38 and the Northeasterly 3 feet of Lot 39;
- (d) The Northeasterly 3 feet of Lot 53 and the Southwesterly 3 feet of Lot 54; and
- (e) The Northeasterly 3 feet of Lot 60 and the Southwesterly 3 feet of Lot 61; all being in Parkview Addition, Section "A", an Addition to the City of Fort Wayne, according to the recorded Plat thereof, recorded in Plat Record 29, pages 113-115,

which proposed vacation is set out in Declaratory Resolution No.

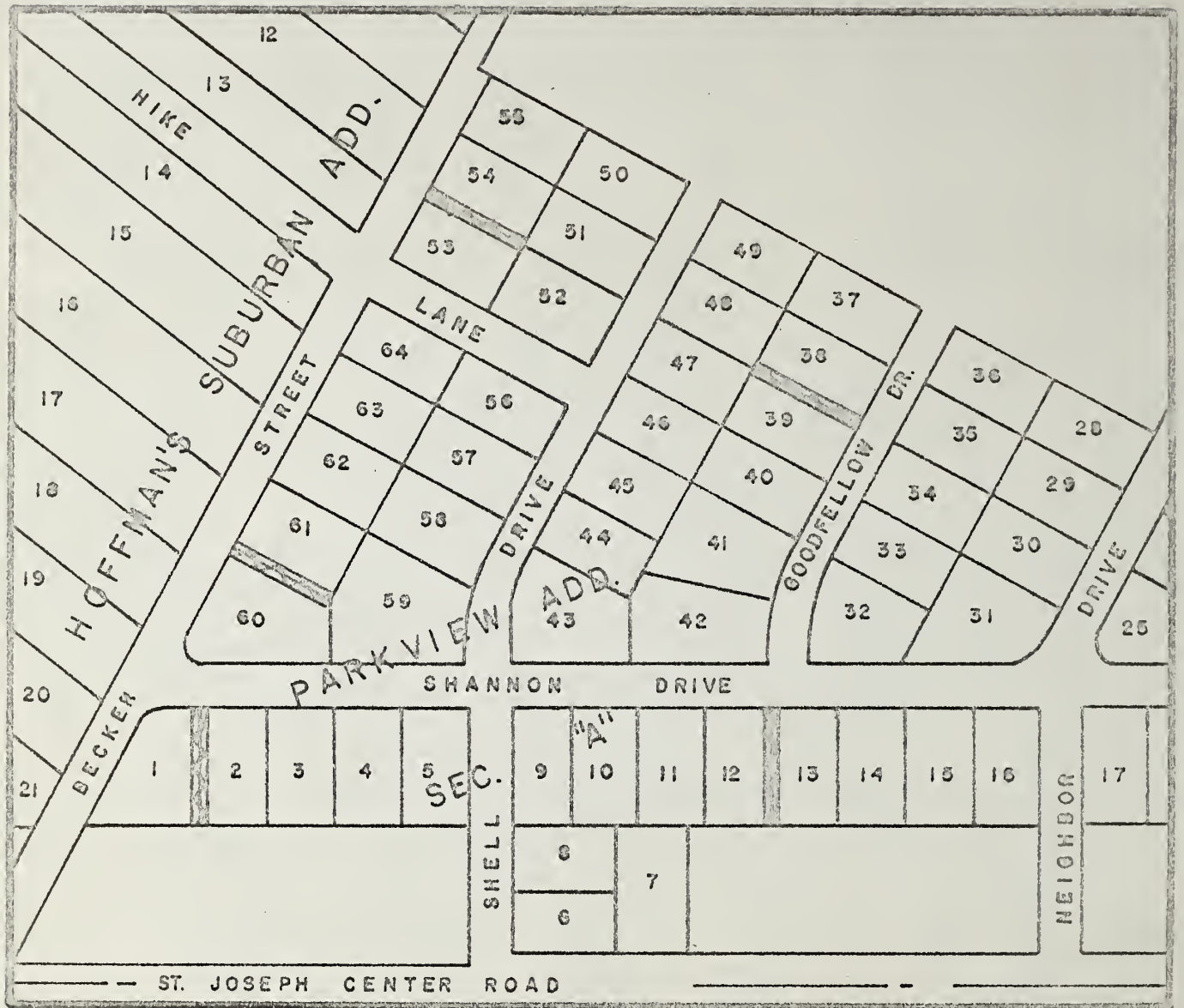
/308 of the Board of Public Works of the City of Fort Wayne, Indiana, do hereby waive any and all rights we may have to receive notice of such resolution either by publication or otherwise, and do waive our right to a hearing on said resolution and our right to file or present in any way any remonstrance against the action taken by said Board under said resolution; and we do agree that said Board may take such final action as it may deem appropriate on said resolution, either confirming, modifying or rescinding said resolution, and that such action so taken shall be final and conclusive upon us.

Dated this 16th day of July, 1971.

BOHDE REALTY, INC.

BY Gerald Dehner
Gerald Dehner, President

Walter Vetter
Walter Vetter, Secretary



UTILITY EASEMENTS TO
BE VACATED

ROUTING SHEET _____ BOARD ORDER NO. _____

For the vacation of a utility easements across the following described real estate: East 3 ft. Lot 1 & West 3 ft. Lot 2; East 3 ft. Lot 12 & West 3 ft. Lot 13; Southwesterly 3 ft. Lot 38 & Northeasterly 3 ft. Lot 39; Northeasterly 3 ft. Lot 53 & Southwesterly 3 ft. Lot 54; Northeasterly 3 ft. Lot 60 & Southwesterly 3 ft. Lot 61.

Please advise under "REMARKS" whether or not you object to this vacation.

TO Donald E. Bodeker for further handling. Remove
Board Papers. CITY ENGR. DEPT.

"REMARKS"

Donald E. Bodeker Donald E. Bodeker

No Objections

TO Kenneth N. Traylor for your information and
handling. CITY ENGR. DEPT.

Kenneth N. Traylor 5/28/71 Date

"

TO Ron Bonar for your information and
handling. WATER POLLUTION CONTROL ENGR. (SEWER ENGR)

Ron Bonar 5/28/71 Date

"

TO H. A. Kerby for your information and
handling. WATER ENGR. DEPT.

H. A. Kerby 5-28-71 Date

no objection

TO J.H. Hinman for your information and
handling. ELECTRICAL ENGR. DEPT.

J.H. Hinman 6-1-71 Date

"

TO _____ for your information and
handling.

Date

TO Donald E. Bodeker

1308

Regarding: The vacation of a 3 ft. utility easement over a portion of Lots 1, 2, 12, 13, 38, 39, 53, 54, 60 and 61, all in Parkview Addition, Section "A".

☐ We do object to the above described vacation

☒ We do not object to the above described vacation

Remarks: _____

INDIANA & MICHIGAN ELECTRIC CO.

BY: *W. E. Blackburn*

Regarding: The vacation of a 3 ft. utility easement over a portion of Lots 1, 2, 12, 13, 38, 39, 53, 54, 60 and 61, all in Parkview Addition, Section "A".

☐ We do object to the above described vacation

☒ We do not object to the above described vacation

Remarks: _____

GENERAL TELEPHONE COMPANY

BY: *C. E. Seunaburger*

Regarding: The vacation of a 3 ft. utility easement over a portion of Lots 1, 2, 12, 13, 38, 39, 53, 54, 60 and 61, all in Parkview Addition, Section "A".

☐ We do object to the above described vacation

☒ We do not object to the above described vacation

Remarks: _____

NORTHERN INDIANA PUBLIC SERVICE CO.

BY: *Gene L. Tucker*

City of Fort Wayne



ENGINEERING DEPARTMENT

CITY-COUNTY BUILDING
ONE MAIN STREET
Room 710

FORT WAYNE, INDIANA 46802

June 7, 1971

Bruce R. Snyder
Attorney at Law
1020 Anthony Wayne Bank Building
203 E. Berry Street
Fort Wayne, Indiana 46802

Subject: Utility Easement Vacations - Parkview Addition, Section "A"

Dear Sir:

In the event you have not received approval from the utility companies regarding subject vacations, I wish to pass along the information we have to date.

The Sewer, Water and Electrical Engineering Departments of the City of Fort Wayne as well as Northern Indiana Public Service Co. and General Telephone Co. have indicated they do not object to these vacations.

We have not yet heard from Indiana and Michigan Electric Company. I suggest your contact Wm. Blackburn if you have not already received their approval.

If we can be of further service, please contact me.

Your very truly,

Donald E. Bodeker
Office Manager

DEB:lc
attachs.

City of Fort Wayne



ENGINEERING DEPARTMENT

CITY-COUNTY BUILDING
ONE MAIN STREET
Room 710

FORT WAYNE, INDIANA 46802

June 16, 1971

Bruce R. Snyder
Attorney at Law
1020 Anthony Wayne Bank Building
203 E. Berry Street
Fort Wayne, Indiana 46802

Subject: Utility Easement Vacations - Parkview Addition, Section "A"

Dear Mr. Snyder:

I am attaching a copy of the post card reply from Indiana & Michigan Electric Company indicating they do not object to the utility easement vacations in Parkview Addition, Section "A".

With this information, along with that previously submitted, you should be able to obtain City Council approval at their June 22nd meeting.

I will forward a Declaratory Resoltuion to the Board of Public Works upon receipt of a signed public hearing waiver.

If you need further information, please contact me.

Yours very truly,

Donald E. Bodeker
Office Manager

DEB:lc
attachs.

1308

B.O. 112-'71

57-170-8
August 12, 1971

City Engineer Attention Don Bodeker

Vacation of Utility Easements in Parkview Addition, Section "A"

Attached is a petition to vacate utility easements in Parkview Addition, Section "A".

Prepare an opinion after conferring with all Governmental Agencies and Utilities.

Fred S. Ehrman
Robert W. Dahman
Edward V. Elkins
BOARD OF PUBLIC WORKS

ms

enc.

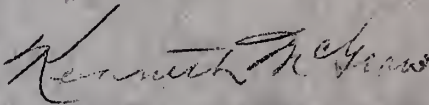
September 20, 1971

Mrs. Helen Sweet
Hilker-Hubertz Homes, Inc.
3215 S. Calhoun Street
Fort Wayne, Indiana 46807

Dear Helen:

Pursuant to your inquiry, this is to inform you that Declaratory Resolution No. 1308-1971 was confirmed on August 16, 1971 and final action was taken on September 16, 1971, confirming the Assessment Roll of Benefits and Damages. Said Resolution provides for the vacation of utility easements over the east 3 feet of Lot No. 1 and the west 3 feet of Lot No. 2; the east 3 feet of Lot No. 12 and the west 3 feet of Lot No. 13; the southwesterly 3 feet of Lot No. 38 and the northeasterly 3 feet of Lot No. 39; the northeasterly 3 feet of Lot No. 53 and the southwesterly 3 feet of Lot No. 54; the northeasterly 3 feet of Lot No. 60 and the southwesterly 3 feet of Lot No. 61, all in Parkview Addition, Section "A".

Very truly yours,

 Clerk
BOARD OF PUBLIC WORKS

KM:ms

Improvement Resolution No. 1308 - 1971 For THE VACATION OF UTILITY EASEMENTS OVER THE EAST 3 FT. OF LOT NO. 1 & THE WEST 3 FT. OF LOT NO. 2; THE EAST 3 FT. OF LOT NO. 12 & THE WEST 3 FT. OF LOT NO. 13; THE SOUTHWESTERLY 3 FT. OF LOT NO. 38 & THE NORTHEASTERLY 3 FT. OF LOT NO. 39; THE NORTHEASTERLY 3 FT. OF LOT NO. 53 & THE SOUTHWESTERLY 3 FT. OF LOT NO. 54; THE NORTHEASTERLY 3 FT. OF LOT NO. 60 & THE SOUTHWESTERLY 3 FT. OF LOT NO. 61; ALL IN PARKVIEW ADDITION, SECTION "A".

	OWNER'S NAME	ADDRESS	NUMBER OF			DESCRIPTION
			LOT	BLOCK	O. L.	
1	BOHDE REALTY, INC.	C/O BRUCE SNYDER, ATTY. 1020 ANTHONY WAYNE BLVD. BLDG.	1			PARKVIEW ADDITION, SECTION "A"
2	" " "	"	2			"
3	" " "	"	12			"
4	" " "	"	13			"
5	" " "	"	38			"
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